

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
EDUARDO PACHECO,  
Defendant

No. CR 11-0154 MMC

**ORDER AFFORDING DEFENDANT  
LEAVE TO FILE REPLY TO  
GOVERNMENT'S RESPONSE TO  
MOTION TO VACATE JUDGMENT**

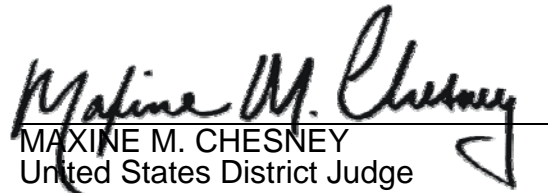
By order filed September 5, 2012, the Court set a briefing schedule on defendant Eduardo Pacheco's ("Pacheco") "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody." Specifically, the Court directed the government to file its response no later than October 5, 2012 and Pacheco to file any reply no later than November 2, 2012.

On October 5, 2012, the government filed a timely opposition to the motion, arguing therein that Pacheco had failed to show he was entitled to any relief. Thereafter, on November 2, 2012, the deadline for Pacheco to file a reply, Pacheco filed an "amended" motion. The "amended" motion appears to be, in all material respects, identical to his motion as initially filed, and Pacheco fails to state the purpose of said filing, nor is any such purpose apparent. More importantly, the "amended" motion does not address any of the arguments made by the government in its response.

1           Should Pacheco wish to reply to the arguments made by the government, Pacheco  
2 is hereby afforded leave to file a reply, no later than February 1, 2013. As of February 1,  
3 2013, the Court will take the matter under submission.

4           **IT IS SO ORDERED.**

5  
6 Dated: January 14, 2013

  
MAXINE M. CHESNEY  
United States District Judge